

COMMITTEE ON HOMELAND SECURITY,
JUSTICE, AND PUBLIC SAFETY

BILL NO. 32-0218

Thirty-Second Legislature of the Virgin Islands

June 12, 2018

An Act amending title 5 Virgin Islands Code, chapter 314 relating to the expungement of criminal records

PROPOSED BY: Senator Janelle K. Sarauw

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 5 Virgin Islands Code, subtitle 3, Part I, chapter 314 is amended in the following instances:

(1) Section 3734 is amended by designating subsection (b) as subsection (c) and inserting a new subsection (b) that reads as follows:

“(b) The Court may expunge the record of a felony conviction of an individual, including finger prints, photographs, and DNA samples, and records of other police or judicial proceedings of the individual, upon the petition of the individual and subject to the provisions of this chapter and rules of the Court. Any person wishing to have his record of felony conviction expunged must petition the Court and send a copy of the Petition to the Department of Justice.”

(2) Section 3735, subsection (d) is amended by inserting “or felony” after “misdemeanor”.

(3) Section 3737, subsection (b) is amended in in paragraph “(4)” by striking “5 years” and inserting “4 months” and by adding paragraph (5) to read as follows:

“(5) A person convicted of a felony must wait five years after completion of the sentence before filing a Petition for Expungement of the conviction.”

SECTION 2 Title 14 Virgin Islands Code, chapter 1, section 61 is amended by inserting subsection (f) that reads as follows:

“(f) No conviction that has been expunged by the court may be used for the sentence enhancement of any person.”

BILL SUMMARY

This bill allows for the expungement of a felony conviction where the person files a petition for expungement with the court and the court grants the same.

Section 2 of the bill disallows the use of conviction for enhancement purposes when the court has granted the expungement of the conviction.

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